

Amendment No. 5 to HB8001

Cepicky
Signature of Sponsor

AMEND Senate Bill No. 8001

House Bill No. 8001*

by deleting subdivisions (12) and (13) in 64-9-104 in SECTION 1 and substituting:

(12) Make requests to local governmental bodies for the local government to condemn land, a right in land, an easement, or a right-of-way as the board deems necessary for effectuating the purposes of this chapter, whether or not the condemned property interest is owned or held for public use by a person or persons having the power of eminent domain or otherwise held or used for public purposes; provided, that condemnation requests by the authority must not result in condemnations that interfere with a prior public use of the property interest that is being condemned. Condemnations exercised by local governmental bodies pursuant to requests made under this subdivision (12) must be conducted in accordance with applicable statutory provisions, now in force or later enacted, for the exercise of the power of eminent domain; and

AND FURTHER AMEND by designating subdivision (14) in 64-9-104 in SECTION 1 as subdivision (13).

AND FURTHER AMEND by deleting subsection (c) in 64-9-113 and substituting:

(c)

(1) Except as provided in subdivision (c)(2), a public record, including proprietary information, received, produced, or maintained by the authority is confidential for a period of five (5) years if the chief executive officer, with the affirmative agreement of the attorney general and reporter, determines that the record is of such a sensitive nature that the record's disclosure or release would seriously harm the ability of the authority to effectuate the purposes of this

chapter. After five (5) years from the date the confidentiality determination is made, the record made confidential by this subsection (c) becomes a public record and is open for public inspection in accordance with § 10-7-503.

(2) Notwithstanding subdivision (c)(1), a binding contract or agreement becomes a public record and is open for public inspection in accordance with § 10-7-503 at the time the contract or agreement is executed by the authority.

AND FURTHER AMEND by adding the following to the end of 64-9-113 in SECTION 1:

(g) This section does not prevent the comptroller of the treasury from accessing all records of the authority that are necessary for the audit required by § 64-9-117.

AND FURTHER AMEND by adding the following at the end of SECTION 1:

64-9-114. Lessee's obligations to employees.

A lease between the authority and a third-party lessee for land within the megasite must provide that, if employees of the third-party lessee whose workplace is on the leased land seek to designate an exclusive bargaining representative through an election permitted by state or federal law, then the lessee shall ensure:

(1) Employees are able to exercise their right to vote on whether or not to designate an exclusive bargaining representative through an election made by use of secret ballot when secret ballot is permitted by law; and

(2) Employees and any proposed bargaining representative named on the election ballot have equal access to any areas where campaign activities are permitted without regard to the employee's or representative's support for, or opposition to, the designation proposed on the ballot.

64-9-115. Lessee's tax obligations.

A lease between the authority and a third-party lessee for land within the megasite must provide that the lessee shall annually make a payment in lieu of taxes directly to a municipality and county, as applicable, in an amount equal to the portion of municipal or county property taxes allocated for school purposes that would otherwise

be levied by the municipality or county on the fee simple interest in the land if it were owned by the lessee.

64-9-116. Quarterly report to government operations committees.

The chair of the board shall appear quarterly before the government operations committee of the senate and the government operations committee of the house of representatives to report on all aspects of the authority.

64-9-117. Annual audit by the comptroller of the treasury.

The comptroller of the treasury shall audit the finances of the authority annually. The comptroller shall report annually, or as otherwise requested, to the state and local government committee of the senate and the state government committee of the house of representatives on the results of the audit.